

WASHINGTON COUNTY COMMISSION MEETING
MINUTES
DECEMBER 1, 2009

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on December 1, 2009, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Dennis Drake, Deputy County Attorney Rachelle Ehlert, and Deputy County Clerk Christine Hall.

Commissioner Gardner (out of town on County business) and County Administrator Dean Cox (ill) were excused.

The Spectrum was represented by Brian Ahern at the meeting.

Commissioner Drake led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Auditor Approved Claims for Payment for November 18, 2009, through December 1, 2009
- Consideration of Applications for Property Tax Abatement
Arthur Eichers, Serial Number I-PLTH-2-41; and Dianne Lincoln, Serial Number SG-S-A-30
- Consideration of Administrative Adjustments / Real Property (attached)
- Consideration of Renewal of Public Defender Contracts for 2010: Bryan Adamson, Alan D. Boyack, Travis R. Christiansen, Aric Cramer, Matthew C. Miller, Michael Rawson, Douglas D. Terry, and LaMar J. Winward
- Consideration of Renewal of Agreement with Roger Thomas/ Handy and Mandy, Inc., for Rent Collection of County Properties
- Consideration of Renewal of Library Transport Agreements for Bret Bowler, Robert Groke, and Sheralyn Madsen for 2010
- Consideration of Renewal of Council on Aging Food Provider Agreements: Donalene Brady (St. George), Katie Beth Lance (Hurricane), and William Vincuilla (Enterprise)
- Consideration of Renewal of Library Custodial Maintenance Contracts for: Robin Bies (New Harmony Branch), Christina Gutierrez (Washington City Branch),

Dave Madsen/World Entertainment (Hurricane and Santa Clara Branches), and Colleen Randall (Enterprise Branch)

- Consideration of Renewal of Law Enforcement Agreement #06-LE-11040700-005 between Washington County Sheriff's Office and Dixie National Forest

ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION / 11-10-09

CONDITIONAL USE PERMIT: Request permission on installation and approval of the Crystal Creek pipeline, and distribution on the Kolob Water System for the Washington County Water Conservancy District on Kolob Mountain. Washington County Water Conservancy District / Ronald Thompson, applicant; Alpha Engineering, agent.

The applicant submitted a route plat showing the location of the Crystal Creek pipeline. The project was approved by the Utah State Department of Drinking Water Division, and the applicant is in the process of pipeline installation and completion. The Washington County Water Conservancy District (WCWCD) has made commitments for service from the water line and water donated by the LDS church, which serves the girls' camp. The existing 500,000 gallon storage tank takes approximately ten (10) days to fill, as reported by Doug Wilson at the previous meeting. The District has received plan approval to drill Well #2 on Kolob to serve developments and individual water users. Public utilities and transmission lines are conditionally approved within OST-20 and SFR-1- 20 zones.

Doug Wilson, representative for WCWCD, stated this project was started many years ago, with the acquisition of water rights. This project has been in the works for approximately nine (9) to ten (10) years. He explained how the District did not realize it needed a conditional use permit until it applied for an encroachment permit. He said this line will fill Kolob Reservoir and it will yield approximately 3000 acre feet of water. He also noted that Randy Cronk, the County inspector, has attended all of WCWCD meetings.

Todd Edwards, County Engineer, said he did not think they would be able to repair the road before winter and requested the commission grant their permanent status subject to the road being complete. Mr. Wilson explained how the county now has a sixty-six (66) foot dedicated easement. He also agreed with Mr. Edwards that it is possible that they may not complete the road repairs before winter and thought it would be wise to make that a condition of the permanent status.

Facts/Findings:

- Allows the county to conserve water
- The use improves the access road and provides the county with an easement that it

- did not previously have
- It is in compliance with the master plan of the WCWCD to supply water to the county
- The project was approved by all state agencies

Motion unanimously approved to recommend approval on a permanent basis for the Crystal Creek pipeline, based on the facts and findings, subject to the road repairs being completed.

CONDITIONAL USE PERMIT: Request permission for kenneling up to ten (10) dogs for Sage Rescue Services, Inc., in the Enterprise Valley, generally located east of Phillip Ranch Subdivision, Phase II. Brad Hodgin, Carol Ann Ruge, and Steven Strand, applicants.

The applicants would like to provide kenneling for up to ten (10) dogs or cats as a rescue service. Kennels are approved conditionally within the Agricultural (A-20 & 10 Districts) zone. The entire 20 acres is fully fenced and dog proofed, with an additional 80' x 130' fenced enclosure that will have two (2) dog houses. The applicant indicates that the dogs do not sit and bark all day because they are not caged and get lots of love and attention. The applicants actively try to find homes for the animals. In the winter, dogs are kept in heated, dry enclosures, and always have access to outdoors via dog doors in the shelter.

Brad Hodgin, applicant, said they want to keep a good rapport with Washington County because they had previously gotten into some trouble with Iron County for having too many dogs. He stated they are a non -profit organization and they rescue animals. He and his wife love animals and like to help them as much as they can. He said the last dog they took in had been on a chain for four years and had to be taken to a vet to remove his collar. He explained Enterprise does not have an animal shelter, so there is no place to take animals in the area. Mr. Hodgin noted they work closely with Best Friends and currently have two foster dogs from there. They try to find homes for the animals but often keep others until they die.

Facts/findings:

- Enterprise does not have a shelter
- Complies with county ordinance
- Complies with zoning within the A-20 zone

Motion was unanimous to recommend approval for a kennel to allow Sage Rescue Services, Inc., to have ten (10) dogs and ten (10) cats based on the facts and findings. Commissioner Balen seconded the motion. Six (6) commissioners voted aye.

MOTION: Motion by Commissioner Drake to Adopt Consent Agenda, as presented. Motion seconded by Commissioner Eardley and carried

by unanimous vote, with Commissioners Eardley and Drake voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

CONSIDERATION OF PURCHASE REQUEST(S) / MARK BLANCH

No items were presented today.

PRESENTATION BY SCOTT HIRSCHI / ECONOMIC DEVELOPMENT COUNCIL

Washington County Economic Development Council Director Scott Hirschi narrated a brief PowerPoint presentation on the history, function, and mission of the Economic Development Council. A copy of his handout, entitled, "A Vision for Tomorrow," is attached to these minutes.

ADJOURN BOARD OF COUNTY COMMISSIONERS AND CONVENE MUNICIPAL BUILDING AUTHORITY

MOTION: Motion by Commissioner Drake to Adjourn Board of County Commissioners and Convene Municipal Building Authority. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO THE ISSUANCE AND SALE OF NOT MORE THAN \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE LEASE REVENUE BONDS, SERIES 2009 (RECOVERY ZONE ECONOMIC DEVELOPMENT BOND), OF THE MUNICIPAL BUILDING AUTHORITY OF WASHINGTON COUNTY, UTAH

Chairman Eardley opened the Public Hearing to receive input on the issuance and sale of these Community Impact Board (CIB) bonds which will be issued for the purpose of financing the construction of a municipal building to house the County Attorney's Offices and paying issuance expenses of the bonds. The County wishes to fund the building of a new County Attorney's Office so that it will be in close geographic proximity to the new Fifth District Courthouse on Tabernacle Street.

Tracy Bigg from the audience asked whether the County intends to purchase land for the building site, and Chairman Eardley replied that the County already owns a piece of property adjacent to the new courthouse.

Having no one else come forward, Chairman Eardley closed the Public Hearing.

**ADJOURN MUNICIPAL BUILDING AUTHORITY AND RECONVENE
WASHINGTON COUNTY BOARD OF COMMISSIONERS**

MOTION: Motion by Commissioner Drake to Adjourn the Municipal Building Authority And Reconvene the Washington County Board Of Commissioners Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1391, A RESOLUTION
ALLOCATING TO THE CITY OF ST. GEORGE ("CITY") UP TO \$11,000,000
OF WASHINGTON COUNTY'S RECOVERY ZONE ECONOMIC BOND
ALLOCATION RECEIVED PURSUANT TO THE AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009 FOR THE PURPOSE OF ALLOWING
THE CITY TO ISSUE RECOVERY ZONE ECONOMIC DEVELOPMENT
BONDS TO THE CITY OF ST. GEORGE TO FINANCE A PORTION OF THE
COSTS RELATED TO THE NEW ST. GEORGE AIRPORT**

St. George City Manager Gary Esplin explained that this resolution allows for the allocation to the City a portion of Washington County's Recovery Zone Economic bond allocation received in accordance with the American Recovery and Reinvestment Act of 2009 (ARRA) and will be used to help finance the new St. George Airport.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1391, A Resolution Allocating To The City Of St. George ("City") Up To \$11,000,000 Of Washington County's Recovery Zone Economic Bond Allocation Received Pursuant To The American Recovery And Reinvestment Act Of 2009 For The Purpose Of Allowing The City To Issue Recovery Zone Economic Development Bonds To The City Of St. George To Finance A Portion Of The Costs Related To The New St. George Airport. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

**CONSIDERATION OF RESOLUTION NO. R-2009-1392, A RESOLUTION
ALLOCATING TO THE CITY OF ST. GEORGE ("CITY") UP TO \$12,000,000
OF WASHINGTON COUNTY'S RECOVERY ZONE FACILITY BOND
ALLOCATION RECEIVED PURSUANT TO THE AMERICAN RECOVERY
AND REINVESTMENT ACT OF 2009 FOR THE PURPOSE OF ALLOWING
THE CITY TO ISSUE RECOVERY ZONE FACILITY BONDS TO FINANCE A
PORTION OF THE COSTS RELATED TO THE ACQUISITION OF**

EQUIPMENT AND MANUFACTURING SYSTEMS FOR APOGEE ENTERPRISES, INC., WITH RESPECT TO ITS VIRACON FACILITY LOCATED IN ST. GEORGE, UTAH

Mr. Esplin said that this resolution permits a portion of the County's ARRA bonds to be directed to a private enterprise, Apogee Enterprises, Inc., for its Viracon facility in St. George. Scott Hirschi added that this employer is a nationwide company and may create up to one hundred (100) new jobs in the County. He reiterated that the ARRA program does not provide actual money but rather the opportunity to sell bonds under the County's tax-free status.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1392, A Resolution Allocating To The City Of St. George ("City") Up To \$12,000,000 Of Washington County's Recovery Zone Facility Bond Allocation Received Pursuant To The American Recovery And Reinvestment Act Of 2009 For The Purpose Of Allowing The City To Issue Recovery Zone Facility Bonds To Finance A Portion Of The Costs Related To The Acquisition Of Equipment And Manufacturing Systems For Apogee Enterprises, Inc., With Respect To Its Viracon Facility Located In St. George, Utah. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2009-1393, A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON COUNTY AND THE UNITED STATES DEPARTMENT OF THE INTERIOR / BUREAU OF LAND MANAGEMENT REGARDING THE DEVELOPMENT OF THE ENVIRONMENTAL IMPACT STATEMENT FOR THE GATEWAY SOUTH TRANSMISSION LINE PROJECT

Chairman Eardley said that an application has been received for a right-of-way on public land to construct and operate an extra-high-voltage transmission line extending from Wyoming to southern Nevada. This project is intended to address the growing energy needs of the region, as the existing transmission system is at capacity.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1393, A Resolution Approving The Memorandum Of Understanding Between Washington County And The United States Department Of The Interior / Bureau Of Land Management Regarding The Development Of The Environmental Impact Statement For The Gateway South Transmission Line Project. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2009-1394, A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON COUNTY AND THE UNITED STATES DEPARTMENT OF THE INTERIOR / BUREAU OF LAND MANAGEMENT REGARDING THE DEVELOPMENT OF THE ENVIRONMENTAL IMPACT STATEMENT FOR THE TRANSWEST EXPRESS TRANSMISSION LINE PROJECT

Similar to the previous agenda item, this project calls for a transmission line extending from Wyoming to southern Nevada, to be known as the TransWest Express Transmission Line Project. It will provide the Desert Southwest Region with clean, renewable energy resources and improved electrical system reliability.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1394, A Resolution Approving The Memorandum Of Understanding Between Washington County And The United States Department Of The Interior / Bureau Of Land Management Regarding The Development Of The Environmental Impact Statement For The Transwest Express Transmission Line Project. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2009-1395, A RESOLUTION APPROVING AN ADDENDUM TO AN AGREEMENT BETWEEN TOQUERVILLE CITY AND WASHINGTON COUNTY TO PROVIDE WASHINGTON COUNTY SHERIFF PATROL SERVICES TO TOQUERVILLE CITY

This agreement has been in place for several years and simply amends the number of patrol hours provided to the City of Toquerville, at its request.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2009-1395, A Resolution Approving An Addendum To An Agreement Between Toquerville City And Washington County To Provide Washington County Sheriff Patrol Services To Toquerville City. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF APPROVAL OF AMENDED ROAD DEDICATION PLATS FOR AIRPORT PARKWAY AND DESERT CANYONS PARKWAY, LOCATED IN SECTIONS 23 AND 26, T43S, R15W, SLB&M, COUNTY UNINCORPORATED. ST. GEORGE CITY, APPLICANT

MOTION: Motion by Commissioner Drake to Approve Amended Road Dedication Plats For Airport Parkway And Desert Canyons Parkway, Located In Sections 23&26, T43S, R15W, SLB&M, County Unincorporated (St. George City, Applicant). Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF COMMISSION MEETING DATES AND COUNTY HOLIDAYS FOR 2010

Copies of the approved Commission Meeting Dates and County Holidays for 2010 are attached to these minutes, and will be appropriately posted and published in *The Spectrum*.

MOTION: Motion by Commissioner Drake to Adopt Schedules of Commission Meeting Dates and County Holidays for 2010, as presented. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

PUBLIC WORKS OR ROAD BUSINESS

Public Works Director Ron Whitehead reported that the Road Department is currently involved in a joint project with the Forest Service, under a Memorandum of Understanding, to perform repairs on the General Steam Road. That work is scheduled for completion within the next two (2) weeks.

He also requested Commission approval of an easement to Washington City to widen 300 East in Washington City.

MOTION: Motion by Commissioner Drake to Authorize an Easement to Washington City to widen 300 East in Washington City. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

No items were presented today.

Request an Executive Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:48 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

JAMES J. EARDLEY
CHAIRMAN